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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/767, 928 12/17/96 DRYER

D AT9-96-312

LM01/0608

EXAMINER

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STARES, W

ART UNIT	PAPER NUMBER
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2762

DATE MAILED:

06/08/99

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/767,928</b>	Applicant(s) <b>DRYER, David et al.</b>
	Examiner <b>Wilbert L. Starks, Jr.</b>	Group Art Unit <b>2762</b>

Responsive to communication(s) filed on Jan 20, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-8 is/are rejected.

Claim(s) 9 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Response to Amendment***

### ***Response to Arguments***

1. Applicant's arguments filed 20 JAN 1999 have been fully considered but they are not persuasive.
2. Specifically, regarding the 35 U.S.C. 101 rejections, the amendments are effective to specify a *field of use* for the claimed invention, but it does not specify a *limitation of the application of the claimed invention to a specific practical use*. True enough, applicant amends claims to recite that an intelligent agent is launched or provided at the end of the recited sequence of steps, but this is another way of saying that another computer subroutine is initiated -- a non-specific program step that applies to statutory processes as well as non-statutory processes. If the claimed agent were programmed to simply "sleep" in the system, that would be covered by the claim, but would be non-statutory. Applicant's amendments do not improve the claims from a 35 U.S.C. 101 standpoint.

Claims 1-7 are rejected under 35 USC 101 as stated in the rejection mailed on 14 OCT 1998.

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3. **Claims 1, 5, and 8:** In the first action, Examiner rejected these claims under 35 U.S.C. §103(a), using the *Steinlicht* and *Donaghue* patents as prior art. Upon reconsideration of the prior art cited in the last action, and in the interest of clarity of the rejection, Examiner changes the primary prior art relied upon to *Suarez* (U.S. Patent Number 5,790,789; Dated 08/04/98) and changes the basis of the rejection from 35 U.S.C. §103(a) to 35 U.S.C. §102(e). Accordingly, the rejection is **non-final**.

4. Specifically regarding claims 1, 5, and 8, “receiving data assessing at least two user assessment variables for each of said plurality of tasks;” is anticipated by *Suarez*, col. 6, lin. 58-67; col. 7, lin. 1-14.

“performing multivariate analysis on said data to derive from said plurality of tasks at least as many mutually exclusive clusters of tasks as there are intelligent agents to assign;” is anticipated by *Suarez*, col. 9, lin. 60-67; col. 10, lin. 1-11.

“storing an association linking each of said intelligent agents with one of said mutually exclusive clusters; and is anticipated by *Suarez*, col. 10, lin. 1-11; fig. 2.

“launching an intelligent agent for a task chosen for execution by a user. is anticipated by *Suarez*, col. 10, lin. 12-39.

Claim 9 is objected to as being dependent upon a rejected claim.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (703) 305-0027.

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Alternatively, inquiries may be directed to Supervising Patent Examiner Tariq Hafiz whose telephone number is (703) 305-9643.

wls

June 7, 1999

James P. Trammell  
Supervisory Patent Examiner  
Technology Center 2700